

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

-against-

MURRAY HAWKINS,

Defendant.
-----X

For Online Publication Only

ORDER

16-CR-189 (JMA)

APPEARANCES:

Seth D. DuCharme
Acting United States Attorney
Mark E. Misorek
Assistant United States Attorney
Eastern District of New York
610 Federal Plaza
Central Islip, NY 11722
Attorneys for the United States

Murray Hawkins
#89305053
FCI Allenwood
PO Box 2000
White Deer, PA 17887
Pro Se Defendant

**FILED
CLERK**

2/26/2021 12:55 pm

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

AZRACK, United States District Judge:

On January 5, 2021, this Court denied the motion of defendant Murray Hawkins (“Defendant”) in which he sought compassionate release based on the onset of the COVID-19 pandemic. (ECF No. 57.) Ultimately, the Court denied Defendant’s motion because he failed to demonstrate “extraordinary and compelling” circumstances warranting compassionate release and the Section 3553(a) sentencing factors weighed against granting his application. (*Id.*) A critical part of the Court’s analysis was that Defendant had already “contracted and seemingly weathered the disease.” (*Id.* at 4 (citing *United States v. Hardy*, No. 11-CR-629, 2020 WL 7711676, at *2 (S.D.N.Y. Dec. 29, 2020).) Nonetheless, the Court denied Defendant’s motion without prejudice. (*Id.* at 8.)

On February 3, 2021, Defendant filed another motion for compassionate release. (ECF No. 58.) As in his original motion, Defendant challenges how his facility, FCI Allenwood, has responded to the pandemic. He also claims that he continues to experience lingering effects of the virus, including emotional distress, pain behind his eyes, and migraines. (Id. at 3.) In addition, Defendant again points to his efforts at rehabilitation while incarcerated as grounds to justify granting his motion. (Id.) The Government opposes his renewed application. (ECF No. 59.)

The Court has considered Defendant's arguments and the Government's response and finds that the updates in Defendant's renewed motion do not alter the Court's prior analysis. (ECF No. 57.) While the Court reiterates its commendation of Defendant for his efforts at self-improvement and rehabilitation while incarcerated, the Court still finds that these efforts do not entitle him to compassionate release. Additionally, Defendant's allegations in his latest motion regarding the lingering physical and mental effects of the disease do not rise to the level of "extraordinary and compelling" circumstances that warrant release. Accordingly, Defendant's motion is **DENIED** without prejudice.

The Court urges the Bureau of Prisons to ensure that Defendant receives prompt medical attention for the lingering effects of his COVID-19 diagnosis that he claims to continue to experience. The Government shall provide a copy of this order and Defendant's motion to the Bureau of Prisons in order to bring Defendant's medical needs to the Bureau's attention.

SO ORDERED.

Dated: February 26, 2021
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE